

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC., *et al.*,

Defendants.

No. C 17-00939 WHA

**QUESTIONS FOR HEARING
ON PLAINTIFF'S MOTION
FOR PROVISIONAL RELIEF**

UNDER SEAL

At the hearing tomorrow, both sides should please be prepared to succinctly address the following questions with copies of relevant case law or documents in the record highlighted and ready to hand up to the judge, as well as extra copies for opposing counsel.

1. How detailed is the [REDACTED] design that Waymo claims as a trade secret?

For example, does Waymo claim trade secret protection over *any* LiDAR design that uses any [REDACTED] Or does it claim only the *specific* design used in GBr3, including the [REDACTED] [REDACTED] that Waymo [REDACTED]

2. If you want the LiDAR points of illumination along a roadway to land at evenly spaced intervals along said roadway (*e.g.*, every ten feet from ten feet to 110 feet), wouldn't you, simply as a matter of optics, have to variably space the diodes on the printed circuit board?

1 3. How is a [REDACTED] superior to any other [REDACTED]? Where
2 in the record does Waymo supply evidence concerning the specific effects of [REDACTED]

3 [REDACTED]
4 4. What are the standard practices, if any, in the LiDAR field for distributing 64
5 diodes across multiple printed circuit boards?

6 5. How, if at all, does Fuji's configuration of two 32-diode transmit blocks
7 specifically map on to GBr3's configuration of [REDACTED] For
8 example, do each of the [REDACTED] printed circuit boards within each configuration serve
9 comparable functions in their respective LiDAR systems? Does the patent law doctrine
10 of equivalents have an equivalent in trade secret law?

11 6. Does Velodyne or any other company manufacture or commercialize LiDAR
12 systems using any of Waymo's purported trade secrets? For example, is the [REDACTED]
13 [REDACTED] configuration used by any other company? Has Waymo's use
14 of this configuration or any other asserted trade secret been disclosed to any public
15 agency? Under the law, could anything actually used by other companies be deemed a
16 trade secret by Waymo?

17 7. Even if defendants themselves have not misappropriated any trade secrets, can
18 they still be held liable for misappropriation by Levandowski that was never used for
19 their benefit?

20 8. If Waymo shows that Levandowski misappropriated trade secrets but fails to
21 further show that defendants did so, would it be enough, to show likelihood of success
22 and irreparable injury, that defendants knowingly employed an executive who
23 misappropriated trade secrets and who remains in a position to misuse said secrets for
24 defendants' benefit? Please provide case law on point.

25 9. Does an accounting as part of provisional relief require a finding of irreparable
26 injury? (An accounting, as used in this question, would be an order to defendants to
27 conduct a thorough company-wide investigation and to itemize every use or
28 communication concerning specific alleged trade secrets and involving Levandowski.)

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